

CHAPTER 24

PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM

[Prior to 8/12/87, Public Safety Peace Officers' Retirement, Accident and Disability System Trustees[690]Ch 1]

581—24.1(97A) Meetings of board of trustees. The board of trustees shall meet at least quarterly, or upon the call of the chair. A quorum of the board shall consist of three members, and three concurring votes shall be necessary for a decision by the board. For purposes of a quorum or for voting, a member may participate in person or by audio conference or videoconference.

581—24.2(97A) Trustees' terms of office.

24.2(1) The commissioner of public safety shall serve a term that is concurrent with the appointment as commissioner of public safety.

24.2(2) The treasurer of state shall serve a term that is concurrent with the term of treasurer of state.

24.2(3) The actively engaged member of the system shall serve a two-year term commencing on July 1 of odd-numbered years and terminating on June 30 of odd-numbered years.

24.2(4) The retired member of the system shall serve a two-year term commencing on July 1 of even-numbered years and terminating on June 30 of even-numbered years.

24.2(5) The member appointed by the governor shall serve a two-year term commencing on May 1 of the year of appointment and terminating on April 30 in the year of expiration.

581—24.3(97A) Election of system members. The actively engaged member of the system shall be elected in odd-numbered years, and the retired member of the system shall be elected in even-numbered years. The method of choosing the elected members of the system who serve two-year terms on the board of trustees is as follows:

24.3(1) For the actively engaged member of the system:

a. At least 90 days prior to the start of the term of office for the actively engaged member of the board of trustees, the secretary shall provide a write-in nomination ballot to each actively engaged member of the system. Within 30 days of receipt of the write-in nomination ballot, each actively engaged member of the system shall indicate by write-in nomination ballot the member of the system whom the member wishes to have serve on the board.

b. The secretary shall contact the nominees to determine if they are willing to serve if elected.

c. From among all the write-in nomination ballots received by the secretary, the names of those three actively engaged members willing to serve if elected who receive the highest number of write-in nominations shall be placed on a new ballot.

d. This new election ballot shall be distributed to the actively engaged members of the system, and the actively engaged members shall return the election ballot to the secretary within 30 days. The actively engaged member whose name appears on the new election ballot and who receives the highest number of votes shall serve as the actively engaged member of the system on the board of trustees.

24.3(2) For the retired member of the system:

a. At least 90 days prior to the start of the term of office for the retired member of the board of trustees, the secretary shall provide a write-in nomination ballot to each retired member of the system. Within 30 days of receipt of the write-in nomination ballot, each retired member of the system shall indicate by write-in nomination ballot the retired member of the system whom the retired member wishes to have serve on the board.

b. The secretary shall contact the nominees to determine if they are willing to serve if elected.

c. From among all the write-in nomination ballots received by the secretary, the names of those three retired members willing to serve if elected who receive the highest number of write-in votes shall be placed on a new election ballot.

d. This new election ballot shall be distributed to the retired members of the system, and the retired members shall return the election ballot to the secretary within 30 days. The retired member whose name appears on the new election ballot and who receives the highest number of votes shall serve as the retired member of the system on the board of trustees.

24.3(3) Vacancies in elected members shall be filled in the same manner as the original election, and the newly elected members shall serve for the balance of the term of the elected member.

581—24.4(97A) Forms and information. Persons wishing to obtain forms or information about the Peace Officers' Retirement, Accident and Disability System shall address requests to:

Secretary
Peace Officers' Retirement System
Iowa Department of Public Safety
Wallace State Office Building
Des Moines, Iowa 50319
porinfo@dps.state.ia.us

581—24.5(97A) Computation of average final compensation. Computation of the average final compensation shall be made using the earnable compensation of the member during the member's three highest years of service as a member of the department of public safety, or if the member has had less than three years of service, then the earnable compensation of the member's entire period of service. Overtime compensation, if any, and periods without pay shall not be considered in this computation.

581—24.6(97A) Average final compensation—less than three years' service. If a member retires before attaining three years of service, the average final compensation shall be the total of the earnable compensation from the date the member was sworn into service divided by the number of months of service.

581—24.7(97A) Age of qualification. The age of qualification for benefits under Iowa Code chapter 97A shall mean the age on the member's last birthday.

581—24.8(97A) Date of retirement. Date of retirement shall mean the first day on retirement and not the last day on duty.

581—24.9(97A) Workers' compensation—effect on benefit payment. If workers' compensation benefits are payable under Iowa Code chapter 97A on account of a member's disability or death, the retirement or other benefit shall be adjusted by the actuarial equivalent of the total workers' compensation. This is in lieu of causing the beneficiary to repay the workers' compensation directly.

581—24.10(97A) Errors in payments. Errors in payments to beneficiaries as a result of fraud when discovered shall be adjusted in accordance with Iowa Code section 97A.13. This shall be construed to mean that the total underpayments or overpayments shall be commuted to monthly income. If an error involves a child, the monthly benefit shall be adjusted over the balance of the child's eligibility, except that if the child is no longer receiving benefits, a lump sum settlement shall be made. Errors referred to in this rule shall be adjusted only after presentation to and approval by the board.

581—24.11(97A) Annual statement of account. As soon as possible after the close of each fiscal year, a statement of account shall be furnished to each active member, and must include the member's contribution for the year.

At the close of the fiscal year, a Form 1099, W2-P or the equivalent, shall be prepared for each person who received benefits and any other person who ceased membership during the year. The form must detail the total pension paid during the year.

581—24.12(97A) Accrued vacation—effect on benefit payment. When a retirement date approved by the board is before the expiration of accrued vacation leave, the member shall receive pay for all accrued vacation in addition to the retirement benefit for the accrued vacation period.

581—24.13(97A) Initial benefit for a child. Initial benefit for a child specified in Iowa Code section 97A.6(8), 97A.6(9), or 97A.6(12) shall be 6 percent of the monthly earnable compensation payable to an active member having the rank of senior trooper of the Iowa state patrol. A senior trooper, for the purposes of Iowa Code chapter 97A, is a peace officer having at least ten years of active service with the Iowa state patrol.

581—24.14(97A) Applications for retirement. Applications for retirement shall be made not more than 90 nor less than 30 days in advance of the date of retirement.

581—24.15(97A) Books of account. The following books of account shall be maintained by the secretary.

24.15(1) Self-balancing combination journal recording all receipts, disbursements and necessary adjustments.

24.15(2) Self-balancing ledger of control accounts.

24.15(3) Schedules at the close of the year which shall detail all control accounts except:

a. Pension reserve account.

b. Pension accumulation account.

581—24.16(97A) Computation for partial month. Computation of retirement benefits for a partial month shall be on the actual number of days in the month, i.e., monthly benefits divided by the number of the days in the month multiplied by the number of days due.

581—24.17(97A) Application of Iowa Code section 97A.6(12). Iowa Code section 97A.6(12) applies to the spouse and children only if the spouse was married to the deceased member at or before the time of retirement and the children are the natural children of the deceased member or were legally adopted at or before the time of retirement. If there is no surviving spouse of a marriage solemnized prior to retirement of a deceased member, then the surviving spouse means a surviving spouse of a marriage of two years or more solemnized subsequent to the retirement of the member.

581—24.18(97A) One year of service. For the purpose of computing service, service for fewer than six months of a year is not creditable as service. Service of six months or more in any year shall be equivalent to one year of service; however, in no case shall a member receive more than one year of service credit for each 12-month period of service.

581—24.19(19A) Average final compensation—less than five years' service. Rescinded IAB 3/7/01, effective 5/1/01.

581—24.20(97A) Abstracts of benefits—report. The secretary shall present to the board at least annually or upon request of the board of trustees the last two abstracts of benefits with a detailed reconciliation between the two totals.

581—24.21(19A) Investment balance—report. Rescinded IAB 3/7/01, effective 5/1/01.

581—24.22(97A) Application for benefits. Application for benefits under Iowa Code chapter 97A shall be on forms provided by the secretary.

581—24.23(97A) Receipt of application for benefits. Upon receipt by the secretary of an application for benefits, the retirement allowance shall be computed.

581—24.24(97A) Date of death. In the event of the death of a member, the date of death will be considered to be the last day on the payroll for earned compensation or on pension, and the next day following will be the first day for the spouse's and children's benefit. Accrued vacation payout will be paid in addition to the start of benefits.

581—24.25(97A) Age of spouse. When the spouse of a deceased active member is to receive an annuity payment from the member's contributions, the age of the spouse at the nearest birthday shall govern. The computation shall be the spouse's birth date subtracted from the first date that spouse's benefits begin to accrue.

581—24.26(97A) Termination prior to retirement.

24.26(1) Members who terminate covered employment prior to age 55 other than by death or disability have certain rights to their accumulated contributions.

a. A member with less than four years of service is not entitled to benefits under the system. A member terminating employment with less than four years of service has the following options for the handling of the member's contributions to the system:

(1) The member may withdraw the member's contributions along with accumulated interest.

(2) The member may have all or a part of the member's qualifying contributions along with accumulated interest rolled forward to a qualified retirement plan and withdraw the balance of the member's contributions.

(3) The member may leave the member's contributions in the system as long as the member continues to be a member of the system. A member ceases to be a member of the system should the member in any period of five consecutive years after last becoming a member be absent from service for more than four years. Should a member cease to be a member, the member's contributions shall be paid to the member pursuant to the provisions of paragraph "*a*" above.

b. A member with four or more years of service is a "vested member" and is entitled to benefits under the system. The member's options under the system are as follows:

(1) Upon attaining retirement age, the member may receive a service retirement allowance of four twenty-seconds of the retirement allowance the member would receive at retirement if the member's employment had not been terminated, and an additional one twenty-second of such retirement allowance for each additional year of service not exceeding 22 years of service. Should the member have over 22 years of service, upon the member's retirement there shall be added 2 ¾ percent of the member's average final compensation for each year over 22 years for up to 10 additional years of service. The amount of the retirement allowance shall be calculated in the manner provided in this subparagraph using the average final compensation at the time of termination of employment.

(2) The member may withdraw the member's contributions pursuant to Iowa Code section 97A.16, along with accumulated interest.

(3) The member may have all or a part of the member's qualifying contributions along with accumulated interest rolled forward to a qualified retirement plan and withdraw the balance of the member's contributions.

24.26(2) The interest rate shall be the composite rate of return for the fiscal year as reflected in the Investment Performance Analysis, provided by the investment consultants for the system, as specified in the report for the quarter ending June 30 of the fiscal year, adjusted by the administrative expense of the system for the fiscal year. The administrative expense rate shall be calculated by dividing the actual administrative expense for the fiscal year by the fund balance on June 30 of the fiscal year.

24.26(3) Interest shall be credited to the member's accounts annually as of June 30. The interest credited to the member shall be calculated by multiplying the annual interest rate by the member's average balance for the fiscal year, with interest credited for each full month of membership.

24.26(4) Members withdrawing contributions under this rule shall submit a written request to the secretary.

581—24.27(97A) Optional retirement benefits. Members of the system retiring under a service retirement may elect to receive one of the following optional retirement benefits and have the optional retirement benefit or a designated fraction of the benefit paid to the member's beneficiary:

1. Straight life annuity.
2. Straight life annuity with five years certain.
3. Straight life annuity with ten years certain.
4. Joint and 50 percent survivor annuity.
5. Joint and 75 percent survivor annuity.
6. Joint and 100 percent survivor annuity.
7. Single life annuity with a designated lump sum.

For the purposes of this rule, a "beneficiary" means a spouse, child, or dependent parent.

581—24.28(97A) Options not reversible once payments begin—exceptions.

24.28(1) The member may change or cancel the member's selected optional benefit until the first monthly benefit payment is made using the selected option. After the first monthly payment to the member or beneficiary, the option shall become permanent and not subject to cancellation or change.

24.28(2) If the member dies without designating a beneficiary prior to receipt in benefits of an amount equal to the total amount in the member's credit at the time of separation from service, the election is void.

24.28(3) If the member dies with a beneficiary designated and the beneficiary subsequently dies prior to receipt in benefits of an amount equal to the total amount in the member's credit at the time of separation from service, the election remains valid.

581—24.29(97A) Method of calculating annual adjustments when optional retirement benefits are selected. Whenever an optional benefit as provided for in rule 24.27(97A) has been selected by a member, the annual adjustment provided for in Iowa Code sections 97A.6(14)"a"(1) and 97A.6(14)"a"(2) shall continue to be provided.

581—24.30(97A) Termination of benefits when optional retirement benefits are selected. Whenever an optional benefit as provided for in rule 24.27(97A) has been selected by a member, benefit payments shall terminate as follows, except as provided in rule 24.28(97A):

1. Straight life annuity. Upon the death of the retired member, all future retirement payments shall cease.
2. Straight life annuity with five years certain. Upon the death of the retired member, or five years from the member's original retirement date, whichever is later, all future retirement payments shall cease.
3. Straight life annuity with ten years certain. Upon the death of the retired member, or ten years from the member's original retirement date, whichever is later, all future retirement payments shall cease.
4. Joint and 50 percent survivor annuity. Upon the death of the retired member, the surviving beneficiary shall have the beneficiary's annual annuity established at 50 percent of member's amount. Upon the death of both the member and the beneficiary, all future retirement benefits shall cease.
5. Joint and 75 percent survivor annuity. Upon the death of the retired member, the surviving beneficiary shall have the beneficiary's annual annuity established at 75 percent of the member's amount. Upon the death of both the member and the beneficiary, all future retirement benefits shall cease.
6. Joint and 100 percent survivor annuity. Upon the death of the retired member, the surviving beneficiary shall have the annual annuity continue at the member's amount. Upon the death of both the member and the beneficiary, all future retirement benefits shall cease.
7. Single life annuity with a designated lump sum. Upon the death of the retired member, the beneficiary shall receive the single lump sum payment, and all future retirement payments shall cease.

581—24.31(97A) Impact of optional benefit selections on child benefits. The selection of an optional retirement benefit by a member shall not change the benefit that a child of a deceased member would otherwise be eligible to receive.

These rules are intended to implement Iowa Code chapter 97A.

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